

Remarks

Claims 10, 19, 25, 34 and 37 are pending in the application. Claims 1-9, 11-18, 20-24, 26-33, 35, 36, 38 and 39 have been canceled without prejudice to or disclaimer of the subject matter therein. Claims 10, 19, 25, 34 and 37 stand rejected.

Claim rejections

Section 112

Claims 1, 10, 19, 25 and 29 were rejected under 35 USC 112, second paragraph. The Applicant respectfully traverses. The claims are definite. The Examiner alleges that the claims do not recite how the claimed structures are different from each other. The Examiner then further asserts that “[i]f a multilayer structure is present with different types of materials it is inherent that the different layers are going to be different in strength and adhesiveness” and that “[t]herefore any multilayered structure with different types of the materials as the layers reads on the claims so recited” (Office Action, page 3, item 5). In view of the foregoing, the Examiner’s own remarks indicate that the Examiner understands the claims (with the exception of claim 19, discussed below). Thus, it appears that the Examiner is contending, not that the claims are indefinite, but that they are anticipated. Accordingly, it is respectfully submitted that the rejection under 35 USC 112, 2<sup>nd</sup> paragraph is improper and should be withdrawn.

As to claim 19, the amendment filed November 8, 2005 contained typographical errors in claim 19. These typographical errors have been corrected in the present amendment.

In view of the above, withdrawal of the rejection of claims 1, 10, 19, 25 and 29 under 35 USC 112 is respectfully requested.

Section 102

Claims 1, 4, 10, 25, 29, 34 and 37 were rejected under 35 USC 102(b) as being anticipated by Kato (JP 10261421, US equiv. 6,127,059) (hereafter, “Kato”). Of the noted claims, claims 10, 25, 29, 34 and 37 remain pending. The Applicant respectfully traverses the rejection of claims 10, 25, 29, 34 and 37.

With respect to claim 10, Kato discloses carbon fiber woven cloth and water-repellent flouro resin (not carbonized) which penetrates no more than one-third the thickness of the carbon fiber woven cloth. In contrast, according to claim 10 of the present application, the binder is carbonized so that good electric conductivity is obtained.

With respect to claim 25, Kato does not disclose a water-repellent layer constructed of a multi-layer structure including an inner layer and an outer layer different in adhesiveness and strength to each other. In contrast, according to claim 25 of the present application, the water-repellent layer is constructed of a multi-layer structure including an inner layer and an outer layer different in adhesiveness and strength to each other.

With respect to claim 29, Kato does not disclose a water-repellent layer including two kinds of binders different in adhesiveness and rigidness to each other, as recited in claim 29.

With respect to claim 34, Kato does not disclose giving a shear force to the synthetic resin before coating the mixture of carbon and the synthetic resin onto the base layer, thereby increasing the adhesiveness. In contrast, according to claim 34 of the present application, giving a shear force before coating the paste onto the base layer is specified.

With respect to claim 37, Kato does not disclose giving a shear force to the synthetic resin after coating the mixture of carbon and the synthetic resin onto the base layer, thereby increasing an adhesiveness. In contrast, according to claim 37 of the present application, giving a shear force after coating the paste onto the base layer is specified.

In view of the above, claims 10, 25, 29, 4 and 37 are allowable over Kato. Withdrawal of the rejection of claims 10, 25, 29, 34 and 37 as being anticipated by Kato is therefore respectfully requested.

Claims 13 and 16 were rejected under 35 USC 102(e) as being anticipated by Campbell et al. (US 5,863,673). Claims 13 and 16 have been canceled.

Claim 19 was rejected under 35 USC 102(e) as being anticipated by Beattie et al. (US 6,667,127) ("Beattie"). The Applicant respectfully traverses. Beattie does not disclose a binder impregnated into the carbon paper with a non-uniform distribution in a direction of a plane of the carbon paper. In contrast, according to claim 19 of the present application, the binder is impregnated into the carbon paper with a non-uniform distribution in a direction of a plane of the carbon paper, so that winding of the diffusion layer to a roller is possible.

Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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